

House Bill 1240

By: Representative McKillip of the 115th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 16-5-95 of the Official Code of Georgia Annotated, relating to the offense of violating a family violence order and penalty, so as to provide for the offense of violating a special condition of pretrial release; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-5-95 of the Official Code of Georgia Annotated, relating to the offense of violating family violence order and penalty, is amended by revising subsection (a) as follows:

"(a) A person commits the offense of:

(1) Violating ~~violating~~ a family violence order when ~~the~~ such person knowingly and in a nonviolent manner violates the terms of a family violence temporary restraining order, temporary protective order, permanent restraining order, or permanent protective order issued against ~~that~~ such person pursuant to Article 1 of Chapter 13 of Title 19, ~~which~~ when such order:

~~(1)(A)~~ (A) Excludes, evicts, or excludes and evicts ~~the~~ such person from a residence or household;

~~(2)(B)~~ (B) Directs ~~the~~ such person to stay away from a residence, workplace, or school;

~~(3)(C)~~ (C) Restrains ~~the~~ such person from approaching within a specified distance of another person; or

~~(4)(D)~~ (D) Restricts ~~the~~ such person from having any contact, direct or indirect, by telephone, pager, facsimile, e-mail, or any other means of communication with another person, except as specified in the order; or

(2) Violating a family violence special condition of pretrial release order when such person, having been arrested for family violence, as such term is defined in Code Section 19-13-1, and having been subject to special conditions of pretrial release, knowingly and

1 in a nonviolent manner violates the terms of such person's special conditions of pretrial
2 release when such order:

3 (A) Excludes, evicts, or excludes and evicts such person from a residence or
4 household;

5 (B) Directs such person to stay away from a residence, workplace, or school;

6 (C) Restrains such person from approaching within a specified distance of another
7 person; or

8 (D) Restricts such person from having any contact, direct or indirect, by telephone,
9 pager, facsimile, e-mail, or any other means of communication with another person,
10 except as specified in the order."

11 **SECTION 2.**

12 All laws and parts of laws in conflict with this Act are repealed.